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EOEA RELEASES SECRETARY HERZFELDER'S TESTIMONY AT US ARMY CORPS OF ENGINEERS CAPE WIND PROJECT PUBLIC HEARING

Good afternoon Col. Koning. I appreciate the opportunity to provide these comments on the larger policy issues of ocean governance and management that the Cape Wind project illustrates. I want to thank you and the US Army Corps of Engineers for holding this important public hearing. I also want to thank both the Army Corps and the Cape Cod Commission for their cooperation in working with my MEPA office for the coordinated review of this project.

I would be remiss if I did not acknowledge Jim Hunt, the Director of MEPA, and his staff for their considerable efforts to conduct a comprehensive review of this project. My comments are not directed to the MEPA review of this project. EOEA will conduct a fair and thorough MEPA review of this project as we would for any project.

As the majority of the Cape Wind energy project is located in the federal waters of Nantucket Sound, and as such is subject to Army Corps permitting and federal NEPA review, I wish to address my comments to the Army Corps of Engineers and NEPA review of this project. My comments address the larger policy issue of the urgent need for a new type of proactive management of our ocean resources.

Cape Wind is a precedent-setting project that has highlighted current gaps in the laws and ability of both the state and federal government to proactively manage our important ocean resources. State and Federal ocean waters are held in trust for the public, yet we have historically done no planning for the ocean. Governance of ocean resources has been handled on a "first come, first serve" basis. As a result of new technologies becoming available and also the reduced opportunities for land based-development, Massachusetts has seen an increasing number of offshore development proposals in recent years. Proposals in recent years off the Massachusetts coastline include natural gas pipelines, wave energy facilities, aquaculture facilities, fiber optic cables, and offshore wind farms.

Rather than the current “first come, first serve” approach, we must proactively plan to protect our ocean resources. Governor Romney recognized this concern early in his administration when he called on me to address ocean management at the state level. I responded by establishing an Ocean Management Task Force under the leadership of Chair Susan Tierney to come up with recommendations on improved ocean stewardship. The Task Force, which included numerous stakeholders, met over 30 times between June 2003 and March 2004. In March 2004, after a public comment period and six public meetings, the Task Force presented its recommendations

The Task Force articulated 6 principles for managing activities in the ocean: 1) protect the public trust; 2) value biodiversity; 3) respect the interdependence of ecosystems; 4) foster sustainable uses; 5) make use of the best available information; and 6) encourage public participation in decision-making. In addition, the Task Force made 16 recommendations for further action around the themes of governance, management tools, scientific understanding and outreach. These recommendations included legislation for comprehensive resource management act for state waters; improving ecosystem management through federal, regional and state coordination; and developing a comprehensive ocean resource monitoring and research plan.

To implement the Task Force recommendation for new legislation, the Governor will soon file a bill to authorize resource management planning for state ocean waters. The legislation will authorize ocean resource management planning, with strong municipal and citizen input and participation. It will streamline governance of ocean resources by coordinating state agency responsibilities. This bill will acknowledge the need, and provide the ability, to improve the Commonwealth’s coordination to plan cooperatively with federal agencies for activities occurring in federal waters that may impact resources in state waters.

In September 2004, the U.S. Commission on Ocean Policy made similar recommendations at the federal level, and reported that “a comprehensive offshore management structure is needed that enables us to realize the ocean’s potential while safeguarding human and ecosystem health, minimizing conflicts among users, and fulfilling the government’s obligation to manage the sea in a way that maximizes long-term benefits for all the nation’s citizens.”

I urge the Army Corps to follow up on the recommendations of the U.S. Commission on Ocean Policy, and explore ways at the federal level to improve proactive planning for federal waters and increase coordination with states for comprehensive ocean ecosystem management.
